

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TERRY FOSTER,

*Plaintiff,*

v.

PHILADELPHIA CORRECTIONS  
OFFICER DEXTER GRAY-HARRIDAY, *et*  
*al.*

*Defendants.*

CIVIL ACTION  
NO. 18-00114

**Pappert, J.**

**September 17, 2018**

**ORDER**

**AND NOW**, this 17th day of September, 2018, after consideration of Defendants' Motions to Dismiss, (ECF No. 14), and Plaintiff's Response, (ECF No. 16), it is hereby **ORDERED** that the Motion is **GRANTED**.

1. Count I for excessive force is **DISMISSED** without prejudice against Clifford Jeudy, Al-Hakim Lewis and Alisha Lewis;
2. Count II for false arrest is **DISMISSED** with prejudice against all defendants;
3. Count III for assault and battery is **DISMISSED** without prejudice against Clifford Jeudy, Al-Hakim Lewis and Alisha Lewis;
4. Count IV for false imprisonment is **DISMISSED** with prejudice against all defendants;
5. Count V for failure to investigate, train, supervise and/or discipline is **DISMISSED** without prejudice against all defendants;

6. Count VI for intentional infliction of emotional distress is **DISMISSED** without prejudice against Clifford Jeudy, Al-Hakim Lewis and Alisha Lewis;
7. Count VII for conspiracy is **DISMISSED** without prejudice against all defendants; and,
8. Count VIII for cruel and unusual punishment for failure to provide adequate medical treatment is **DISMISSED** without prejudice against all defendants.
9. Plaintiff may file a Second Amended Complaint, consistent with the attached memorandum, on or before **October 9, 2018**.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.